

RULE 3.992(a) CRIMINAL PUNISHMENT CODE SCORESHEET

The Criminal Punishment Code Scoresheet Preparation Manual is available at:
http://www.dc.state.fl.us/pub/sen_cpm/index.html

1. SENT. DATE 01/01/9999 10/15/13	2. PREP'S NAME ALLEN, GARY	SAO KR	3. COUNTY POLK	4. SENTENCING JUDGE STARGEL, JOHN Alcott, Roger
5. NAME (LAST, FIRST, MID, SUF) YATES, JOHNNY, STEVEN,	6. DOB 03/29/1982	8. RACE WHITE	10. PRI. OFF. DATE 04/26/2013	12. PLEA
13. UNIFORM DOCKET # 532013CF00379601XXXX	7. DC # H15999	9. GENDER MALE	11. PRIMARY DOCKET # 1303796	

I. PRIMARY OFFENSE: If Qual., check A S C R (A=Att, S=Solic, C=Consp, R=Recls)
FELONY F.S.# DESCRIPTION OFFENSE LEVEL POINTS
DEGREE

1ST/LIT 787.01(1)(A)3 ATT, KIDNAP, ASSAULT OR TERRORIZE 2009 92
(Level - Points: 1-4, 2-10, 3-16, 4-22, 5-28, 6-36, 7-56, 8-74, 9-92, 10-116)
Prior capital felony triples Primary offense points - NO I. 116.0

II. ADDITIONAL OFFENSE(S): Supplemental page attached - YES

Docket#	FEL/MM	F.S.#	DEGREE	OFFENSE	QUALIFY	COUNTS	POINTS	TOTAL
				LEVEL	A S C R			
1206079	3RD DEG	812.014(2)(C)6	04			001 X	3.6	3.6
DESCRIPTION: GRAND THEFT MOTOR VEHICLE UC#:								
1303681	3RD DEG	893.13(6)(A)	03			001 X	2.4	2.4
DESCRIPTION: POSSESS METHAMPHETAMINE UC#:								
1303681	2ND DEG	316.1935(3)(A)	04			001 X	3.6	3.6
DESCRIPTION: FLEE LEO/NO REGARD UC#:								
(Level-Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)								
Prior capital felony triples Add. Off. points - NO Suppl. page points								63.4
								II. 73.0

III. VICTIM INJURY

	Number	Total		Number	Total
2nd Deg. Murder	240 X	0.0 - 0.0	Slight	4 X	0.0 - 0.0
Death	120 X	0.0 - 0.0	Sex Penet.	80 X	0.0 - 0.0
Severe	40 X	0.0 - 0.0	Sex Cont.	40 X	0.0 - 0.0
Moderate	18 X	0.0 - 0.0			
III. 0.0					

IV. PRIOR RECORD: Supplemental page attached - NO

FEL/MM	F.S.#	OFFENSE	QUAL	DESCRIPTION	NBR	PTS	TOTAL
DEGREE		LEVEL	ASCR				
3RD DEG	838.021(3)(B)	03		THREATENS UNLAWFUL	001 X	1.6	1.6
MISDEME	562.111(1)	M		POSS. ALCOHOL LT 21-	001 X	0.2	0.2
MISDEME	790.1	M		DISPLAY GUN/WEAPON-	001 X	0.2	0.2
MISDEME	843.02	M		RESIST. LEO/NO VIOL.	001 X	0.2	0.2
MISDEME	365.16	M		MISDEMEANOR	001 X	0.2	0.2
(Lev-Pnts: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)							
Supplemental page points:							0.0
							IV. 2.4

Page 1 Subtotal: 191.4

Effective Date: For offenses committed under the Criminal Punishment Code effective for offenses committed on or after October 1, 1998, and subsequent revisions. 167.4

NAME (LAST, FIRST, MI)	DOCKET #
YATES, JOHNNY,	1303796
	167.4

Page 1 Subtotal: ~~191.4~~
V. 4.0

V. Legal Status violation - 4 Points

- ☐ Escape ☐ Failure to appear ☐ Fleeing ☐ Supersedeas bond
☐ Incarceration ☐ Pretrial Intervention or diversion Program
☒ Court Imposed or post prison release community supervision
 resulting in a conviction

VI. Community Sanction violation before the court for sentencing VI.

- ☐ Probation ☒ Community Control ☐ Pretrial Intervention or diversion

~~24.0~~
12

- ☐ 6 points for any violation other than new felony conviction x
☐ each successive violation OR

- ☐ New felony conviction - 12 points x ☐ each successive
 violation if new offense results in conviction before or at the
 same time as sentence for violation of probation OR

- ☐ 12 Points x ☐ each successive violation for a violent
 felony offender of special concern when the violation is not
 based solely on failure to pay costs, restitution OR

- ☐ New felony conviction - 24 points x ☐ each successive violation
 for a violent felony offender of special concern if new
 offense results in a conviction before or at the same for
 violation of probation

VII. Firearm/Semi-Automatic or Machine Gun - 18 or 25 points

VII. 0.0

VIII. Prior Serious Felony - 30 Points

VIII. 0.0

Subtotal Sentence Points ~~219.4~~

IX. Enhancements (only if the primary offense qualifies for enhancement) 183.4

Law Enf. Protect	Drug Trafficker	Motor Vehicle Theft	Criminal Gang Offense	Domestic Violence in the Presence of a Related Child

Enhanced Subtotal Sentence Points IX. 0.0

TOTAL SENTENCE POINTS ~~219.4~~

Effective Date: For offenses committed under the Criminal Punishment Code 183.4
 effective for offenses committed on or after October 1, 1998, and subsequent
 revisions.

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

<u>183.4</u>		<u>155.4</u>		<u>116.55</u>
<u>219.4</u>	minus 28 =	<u>191.4</u>	x .75 =	<u>143.5</u>
total sentence points				lowest permissible prison sentence in months

If total sentence points are 60 points or less and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s.775.082, F.S., unless the lowest permissible sentence under the code, exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

LIFE	maximum sentence	in years
1	10	10
2	15	15
3	20	20
4	25	25
5	30	30
6	35	35
7	40	40
8	45	45
9	50	50
10	55	55
11	60	60
12	65	65
13	70	70
14	75	75
15	80	80
16	85	85
17	90	90
18	95	95
19	100	100
20	105	105
21	110	110
22	115	115
23	120	120
24	125	125
25	130	130
26	135	135
27	140	140
28	145	145
29	150	150
30	155	155
31	160	160
32	165	165
33	170	170
34	175	175
35	180	180
36	185	185
37	190	190
38	195	195
39	200	200
40	205	205
41	210	210
42	215	215
43	220	220
44	225	225
45	230	230
46	235	235
47	240	240
48	245	245
49	250	250
50	255	255
51	260	260
52	265	265
53	270	270
54	275	275
55	280	280
56	285	285
57	290	290
58	295	295
59	300	300
60	305	305
61	310	310
62	315	315
63	320	320
64	325	325
65	330	330
66	335	335
67	340	340
68	345	345
69	350	350
70	355	355
71	360	360
72	365	365
73	370	370
74	375	375
75	380	380
76	385	385
77	390	390
78	395	395
79	400	400
80	405	405
81	410	410
82	415	415
83	420	420
84	425	425
85	430	430
86	435	435
87	440	440
88	445	445
89	450	450
90	455	455
91	460	460
92	465	465
93	470	470
94	475	475
95	480	480
96	485	485
97	490	490
98	495	495
99	500	500
100	505	505
101	510	510
102	515	515
103	520	520
104	525	525
105	530	530
106	535	535
107	540	540
108	545	545
109	550	550
110	555	555
111	560	560
112	565	565
113	570	570
114	575	575
115	580	580
116	585	585
117	590	590
118	595	595
119	600	600
120	605	605
121	610	610
122	615	615
123	620	620
124		

TOTAL SENTENCE IMPOSED

☒ State Prison _____ Life 10 Years _____ Months _____ Days _____
☐ County Jail _____ Time Served _____
☐ Community Control _____
☐ Probation _____ Modified _____
 Please check if sentenced as _____ habitual offender, _____ habitual violent offender,
 _____ violent career criminal, _____ prison releasee reoffender, or a ☒ mandatory
 minimum applies.
☐ Mitigated Departure _____ Plea Bargain _____ Prison Diversion Program
 Other Reason _____

JUDGE'S SIGNATURE

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RULE 3.992(b) CRIMINAL PUNISHMENT CODE SUPPLEMENTAL SCORESHEET

NAME (LAST, FIRST, MIDDLE, SUFFIX)	DOCKET	UNIFORM CASE NUMBER	DATE OF SENT
YATES, JOHNNY, STEVEN,	1303796	532013CF00379601XXXX	01/01/9999

II. ADDITIONAL OFFENSE(S):

Docket#	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
1303681	MISDEME	316.192	M		001 X	0.2 -	0.2
DESCRIPTION: RECKLESS DRIVING-MISD				UC#:			
1303681	MISDEME	843.02	M		001 X	0.2 -	0.2
DESCRIPTION: RESIST. LEO/NO VIOL.-MISD.				UC#:			
1205248	3RD DEG	784.021(1) (A)	06		001 X	18.0 -	18.0
DESCRIPTION: AGG ASSLT-W/WPN NO INTENT TO K				UC#:			
1303796	3RD DEG	812.014(2) (C) 5	04		001 X	3.6 -	3.6
DESCRIPTION: GRAND THEFT FIREARM				UC#:			
1303796	3RD DEG	784.021(1) (A)	06		002 X	18.0 -	36.0
DESCRIPTION: AGG ASSLT-W/WPN NO INTENT TO K				UC#:			
1303796	2ND DEG	790.23(3)	05		001 X	5.4 -	5.4
DESCRIPTION: FEL/DELI W/GUN/CONC WPN/AMMO				UC#:			
(Level-Points:M=0.2,1=0.7,2=1.2,3=2.4,4=3.6,5=5.4,6=18,7=28,8=37,9=46,10=58)							

II. 63.4

IV. PRIOR RECORD:

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUAL ASCR	DESCRIPTION	NBR	PTS	TOTAL
(Level-Points:M=0.2,1=0.5,2=0.8,3=1.6,4=2.4,5=3.6,6=9,7=14,8=19,9=23,10=29)							

IV. 0.0

Reasons for Departure - Mitigating Circumstances

(reasons may be checked here or written on the scoresheet)

- ☐ Legitimate, uncoerced plea bargain
 - ☐ The defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.
 - ☐ The capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of law was substantially impaired.
 - ☐ The defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction, or for a physical disability, and the defendant is amenable to treatment.
 - ☐ The need for payment of restitution to the victim outweighs the need for a prison sentence.
 - ☐ The victim was an initiator, willing participant, aggressor, or provoker of the incident.
 - ☐ The defendant acted under extreme duress or under the domination of another person.
 - ☐ Before the identity of the defendant was determined, the victim was substantially compensated.
 - ☐ The defendant cooperated with the State to resolve the current offense or any other offense.
 - ☐ The offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.
 - ☐ At the time of the offense the defendant was too young to appreciate the consequences of the offense.
 - ☐ The defendant is to be sentenced as a youthful offender.
 - ☐ The defendant is amenable to the services of a postadjudicatory treatment-based drug court program and is otherwise qualified to participate in the program.
 - ☐ The defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.
- Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence, except for the provisions of s.921.0026(2)(m).